



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
State Board of Dentistry  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102

**VIA CERTIFIED (RRR) AND REGULAR MAIL**

December 6, 2013

Aaron W. Prestup, D.M.D.  
Eastern Periodontic Associates, LLC  
2103 Whitehorse-Mercerville Road  
Trenton, NJ 08619-2694

RECEIVED AND FILED  
WITH THE  
N.J. BOARD OF DENTISTRY  
ON 1-6-14 DA

Re: Settlement Letter in Lieu of Formal Disciplinary  
Proceedings in Complaints:  
88039 - J.T.



JOHN J. HOFFMAN  
Acting Attorney General

ERIC T. KANEFSKY  
Director

Mailing Address:  
P.O. Box 45005  
Newark, NJ 07101  
(973) 504-6405

Dear Dr. Prestup:

This letter is to advise you that the New Jersey State Board of Dentistry completed its review of information concerning the above captioned complainants. Specifically, the information reviewed included:

1. The patient's complaint;
2. A copy of your response, including patient treatment and financial records, and other office records;
3. Other available information about the patient's condition.

Based upon the review of these matters, the Board has determined that you have engaged in the following actions which constitute violations of the Board's statutes and regulations:

1. **Diagnosis and Treatment planning** - The patient record failed to contain a photograph, models, or periodontal charting from before the grafting procedures, so there was no objective way for you to evaluate the patient for bone loss or gauge the success of the procedure. Similarly, after a two and a half year delay, you proceeded with the original treatment plan without re-evaluating the patient's dental condition.

This failure to properly plan the treatment may constitute acts of negligence sufficient to initiate the filing of formal disciplinary proceedings. However, the Board has determined that it will first offer you an opportunity to settle this matter, and avoid the initiation of formal disciplinary proceedings, should you agree to the following:

1. Provide proof that you have provided the patient with restitution for the tissue grafting procedure in the amount of \$1,860 and patient's insurance in the amount of \$1,333, which represents that amount received by your

office as noted in the patient ledger you provided, and proof that you have forgiven any outstanding balance still on the patient's account in your office records.

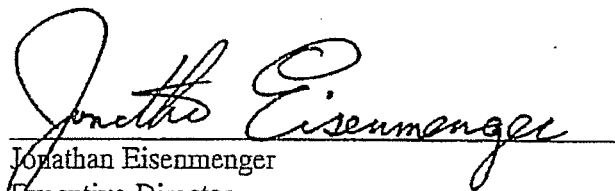
2. Accept the advice of the Board that in the future, you must ensure that adequate diagnostic tools are utilized both before and after treatment has been provided.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. The restitution should be paid by a check or money order made payable to the patient and insurance company, respectively, and submitted to the Board office. You should also submit a copy of the adjusted patient ledger that shows that the patient's account balance has been made "\$0". You should be aware that upon receipt of your signed acknowledgment, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of an appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than those offered in settlement here, in addition to other sanctions, should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay the additional costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer, I suggest that you contact Deputy Attorney General Nancy Costello Miller, who may be reached at (973) 648-2500.

If you elect to settle this matter, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

Sincerely,  
STATE BOARD OF DENTISTRY

  
Jonathan Eisenmenger  
Executive Director

cc: Swang Oo, Deputy Attorney General

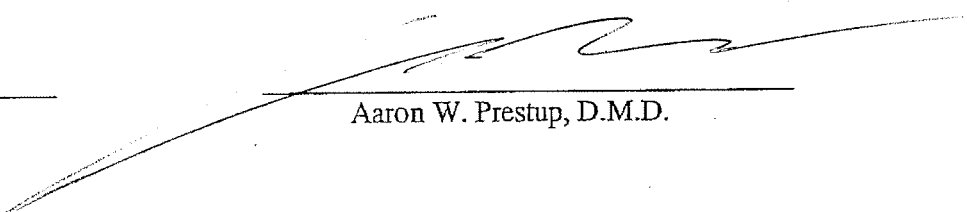
**ACKNOWLEDGMENT:** I, Aaron W. Prestup, D.M.D., have read and reviewed the settlement proposal set forth in this settlement letter. I acknowledge the conduct which has been charged. I am aware that by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board is a matter of public record, and that this letter is a public document. I agree to comply with the directives noted. I will:

1. Provide proof that I have provided the patient with restitution for the tissue grafting procedure in the amount of \$1,860 and patient's insurance in the amount of \$1,333, which represents the amount received by the office as noted in the patient ledger, and proof that outstanding balance still on the patient's account has been forgiven.

2. Accept the advice of the Board that in the future, you must ensure that adequate diagnostic tools are utilized both before and after treatment has been provided.

12-13-13

Date

  
\_\_\_\_\_  
Aaron W. Prestup, D.M.D.